

No. 2323

United States
Circuit Court of Appeals
For the Ninth Circuit.

LOUIS MASON, L. O. CLARK, JOHANNA FAR-
LIN, C. C. CLARK, L. P. FORESTELL,
A. F. BUSHNELL, JOHN DOLAN, PAT
LEROUS, J. T. FITZGERALD, and
ELIZABETH BROWN,

Appellants,

vs.

WASHINGTON-BUTTE MINING COMPANY,
a Corporation,

Appellee.

Upon Appeal from the United States District Court
for the District of Montana.

Book of Original Exhibits.

[Exhibits not Comprised in the Transcript of the Record.]

FILED

JAN 30 1914

No. 2323

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LIN, C. C. CLARK, L. P. FORESTELL,
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1/4 Sec Cor

COPPER QUEEN

BIRTA

COLLEEN BAY

in B & B Placer Disc
in K 4 x 6

RABBIT

#30

OLIVIA

HORNET

#32

GULF

HOPE

PLEASANT VIEW

#35

#36

#37

BULLWHACKER

C-14

Filed and Entered
Apr 17 1912
GEO W SPENCER, Clerk
By Harry Dromm, Deputy

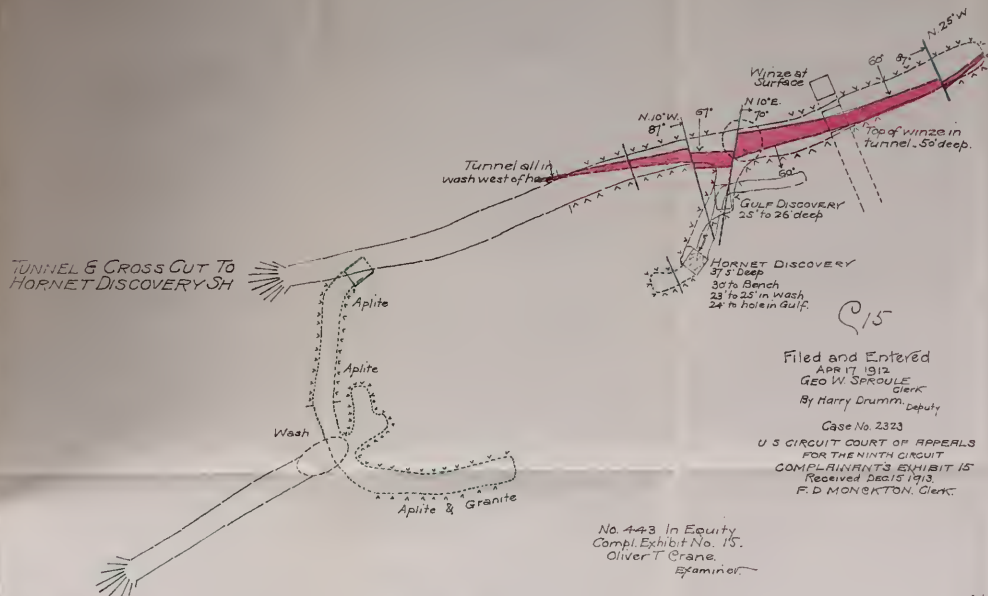
Case No 2323
U S CIRCUIT COURT OF APPEALS
FOR THE NINTH C DIST
Complainant: Exhibit A
Received: 10-13-93
FD. MONCKTON, Clerk

No 443 in Equity
Comp. Exhibit No 17-
Oliver + Crane
Examiner

SHAFT & TUNNEL LOCATIONS
ON
BUTTE & BOSTON PLACER



117 = 1004



C-16

Filed and Entered

APR 17 1912

GEO. W. SPROULE
Clerk

By Harry Drumm
Deputy

Case No 2323

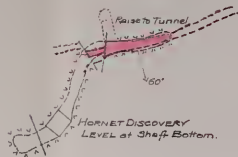
U. S. CIRCUIT COURT OF APPEALS

FORTHENINTH CIRCUIT

COMPLAINANT'S EXHIBIT 16.

Received DEC. 15. 1913

F. D. MONCKTON Clerk



In 4-43 In Equity
Compl Exhibit No. 16
Oliver T Crane
Examiner

1 in = 20 ft

Olivia Disc

☐ Shaft No 1 ☐ Shaft No. 2

○ Pit 5'x5'

○ Pit 5'x5'

○ Pit 5'x5'

Holed to Surface

Wash

80°
 80°
 Wash
 in rock
 80°
 90°
 N 20° W

C-17

Filed and Entered
 APR 17 1912
 GEO. W. SAROULE, Clerk
 By Harry Drumm, Deputy

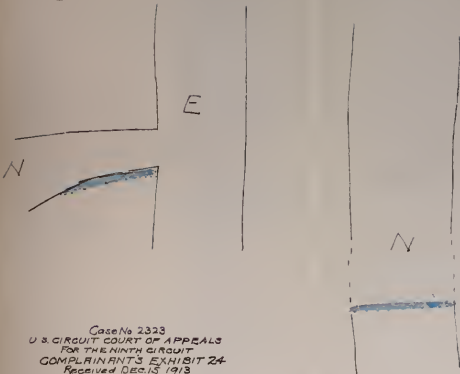
Case No. 2323
 U.S. CIRCUIT COURT OF APPEALS
 FOR THE NINTH CIRCUIT
 COMPLAINANTS EXHIBIT 17
 Received DEC 15 1913
 F. D. MONCKTON, Clerk.



TUNNEL YEAR OLIVIA DISCOVERY
 1 in = 20 ft

No. 443 In Equity
 Compl. Exhibit No. 17
 Oliver T. Crane, Examiner

C-24



Case No 2323
U S. CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT
COMPLAINANT'S EXHIBIT 24
Received DEC. 15 1913
F. D. MONCKTON Clerk.

Filed and Entered
APR. 17. 1912
Geo W. SPROULE, Clerk
By Harry Drumm Deputy.

No 443 In Equity
Compl. Exhibit No 24
Oliver T. Crane
Examiner

C-29

Case No 2323
U. S. CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT

COMPLAINANT'S EXHIBIT 29.

Received DEC. 15. 1913

F. D. MONCKTON, Clerk.

Saddles



Seam

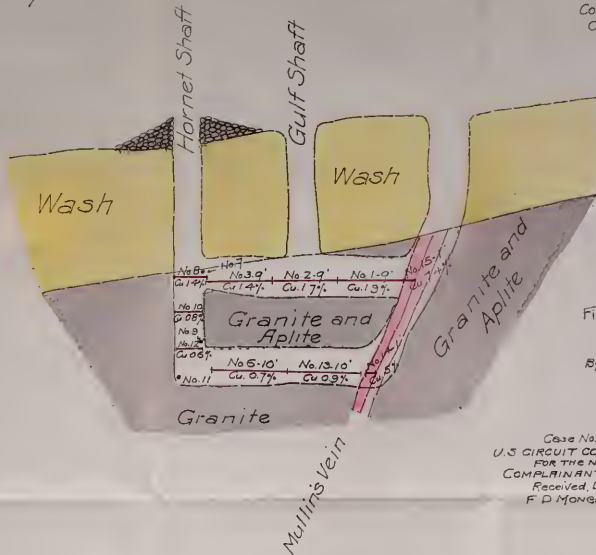
Filed and Entered
APR. 17. 1912
GEO. W. SPROULE, Clerk
By Harry Drummond, Deputy.

No. 443 In Equity
Compl. Exhibit No. 29
Oliver T. Crane,
Examiner.

c. 37

7

No 443 In Equity
Compl Exhibit No. 37
Oliver T Crane,
Examiner



Filed and Entered
APR 17, 1912
Geo W. Sparrow,
Clerk
By Harry Drumm, Deputy

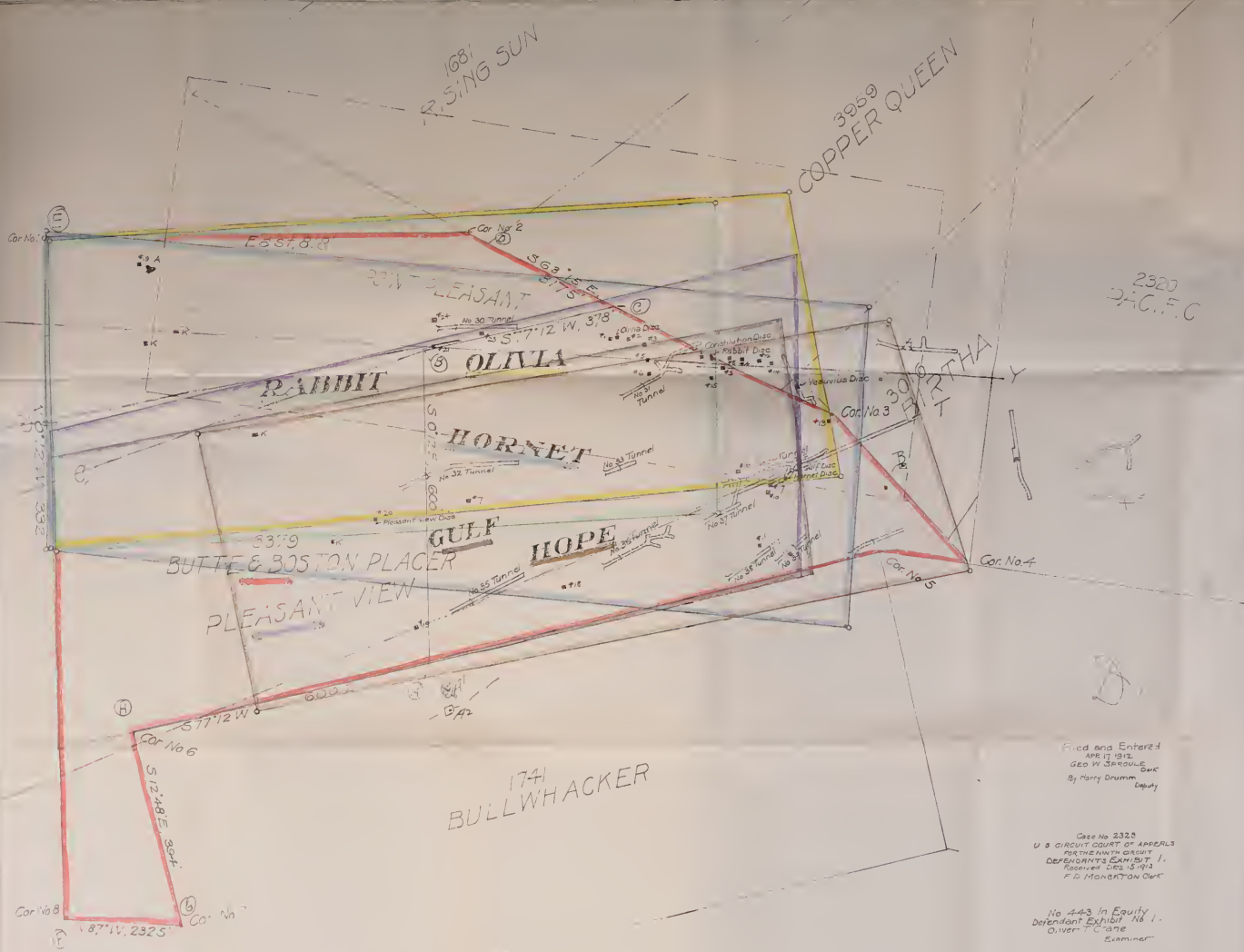
Case No. 2823.
U.S. CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT
COMPLAINANTS EXHIBIT 37.
Received, DEC 15 1913.
F. D. MORGAN, Clerk.

1 inch = 10 feet

168°
SING SUN

395°
COPPER QUEEN

2320
H.C.F.C



1741
BULLWHACKER

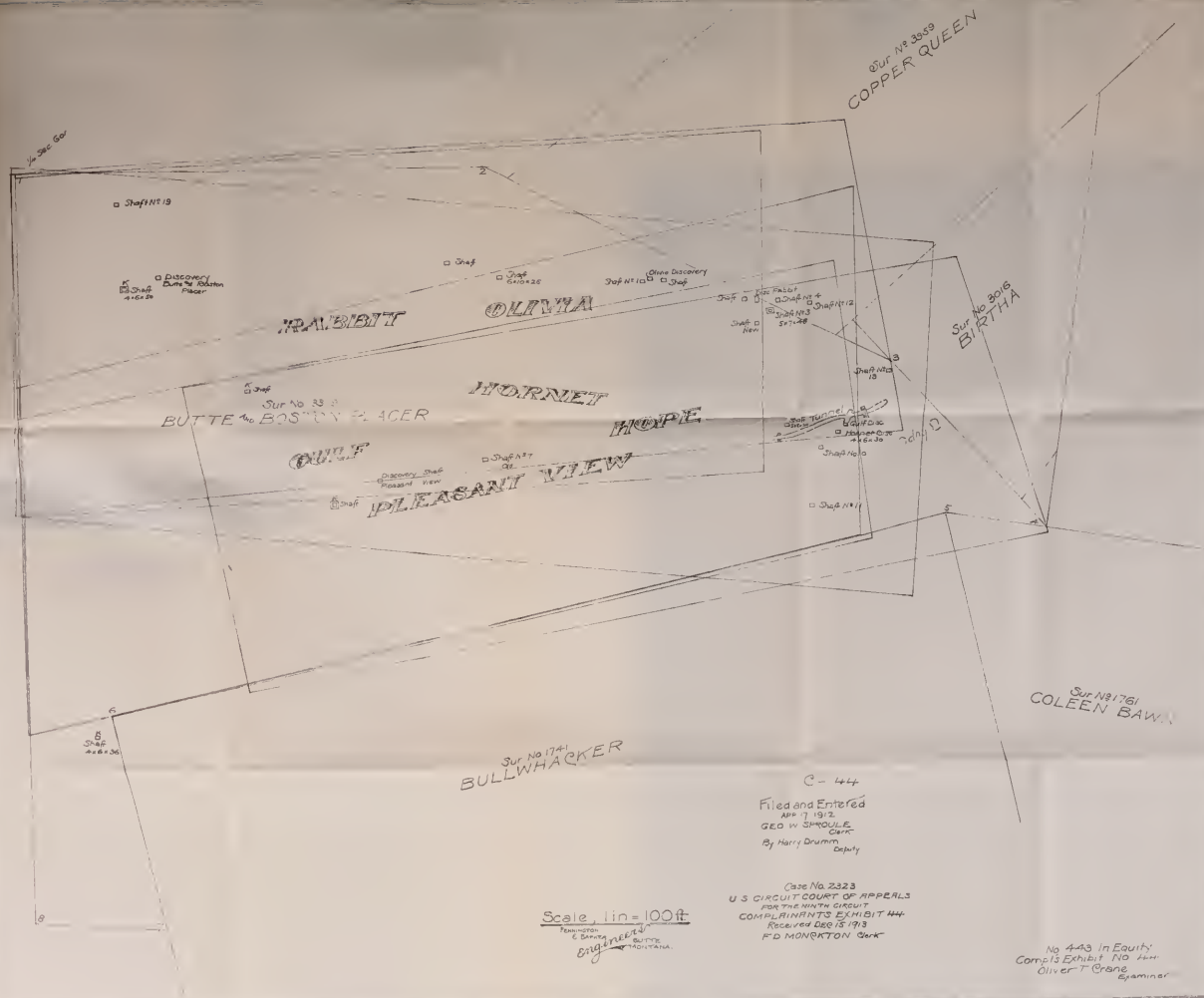
Filed and Entered
APR 17 1912
Geo W. J. BARKER
By Harry Drumm
Deputy

Case No 2320
U S CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT
DEFENDANT'S EXHIBIT 1.
Received DEC 15 1913
F.D. MONTGOMERY Clerk

No 443 in Equity
Defendant's Exhibit No 1.
Olive T. C. 1912
Examiner

SCALE 1 IN = 50 FT

Barker, Hanson Co
Engineers
Butte Montana



SUR NO 3359
COPPER QUEEN

SUR NO 3016
BIRTHA

SUR NO 1761
COLEEN BAWN

SUR NO 1741
BULLWHACKER

C- 444

Filed and Entered
APR 7 1912
GEO W SHOULLE
By Harry Drummond
Clerk

CASE NO 2323
U S CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT
COMPLAINANTS EXHIBIT 44
RECEIVED DEC 15 1913
F D MONKERTON Clerk

Scale, 1 in = 100 ft
ENGINEER
BUTTE MONTANA

No 443 in Equity
Complainant vs. Defendant
Oliver T. Crane
Examiner

D-55-

Filed and Entered
APR 17 1912
GEO W SPROULE
Clerk
By Harry Drumm
Deputy

Case No 2323
3 CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT
DEFENDANTS EXHIBIT 55
Received OCT 15 1913
F L MOBERTON Clerk

No 443 " Equity
Deft's Exr bit No 55
Oliver - Crane
Examiner

1972
SPREAD DELIGHT
281
Apr 88 '81

2062
ROSENTHAL
1280
2887
DONNY BROOK
387

1312
SIDNEY
182

6754
TORRID

4854
RORY O'MORE
Jan 1 '88

Apr 13 '88

3372
MULLINGAR
Jan 12 '88

1593
LILLIE
290
APR 4th 1879

6274
LILLIE
FRAC
Nov 1
1882

515
PLAZER
21
May 14 - 81

6755
ZOPIC

3337
LITTLE SPRING
Jan 23 '82

1342
NORTHWESTERN
185

5113
PEDIKORE
Jan 12 '83

146
LESTER
14

288
ROBIN

2852
MAY YONE
PLAZER

1671
ELLA
245
July 28 '85

Pat Clark

1681
RISING SUN D-68
245
July 8 '85
Pat Clark

3859
COPPER QUEEN
Apr 25 '80
C-152 J. Shaw 7. Sellers

2-30, Transcribed
Lum Regw

2483
ANAKOJA
350
Sept 30 '90

772
HILLSIDE
Jan 25 '1900

3155
EXTENSION
NO 2
Jan '90

7339
PACIFIC PAC
July 125 '89

545
MONIMIA
Oct 3 - 90

RABBIT

FOR BET
3379
BOSTON PLAZER HOPE
GULF

PLEASANT VIEW

2320
PACIFIC
326

July 21st 1884
C-181 Law Hancock
J P Rhodes
Ad Clerk

C-185

2063
PITTSOON
291
July 15 '84

5422
PROVINTO
Nov 24 '90

1741
BULLWACKER
255
Sept 20 - 85
30

D-240
J. B. Bergant

1761
COLLEEN BAWN
257
Apr 5 - 90
1830

D 74

Filed and Entered
Apr 17 1912
GEO W ORPHEUS Clerk
By Harry Lumm Deputy

Case No 2323
U S CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT
DEFENDOR IN EXHIBIT 74
Received 12-15-1913
FD MONKTON Clerk

No 443 In Equity
Exhibit No 74
Silver T. O'Connell
Examiner

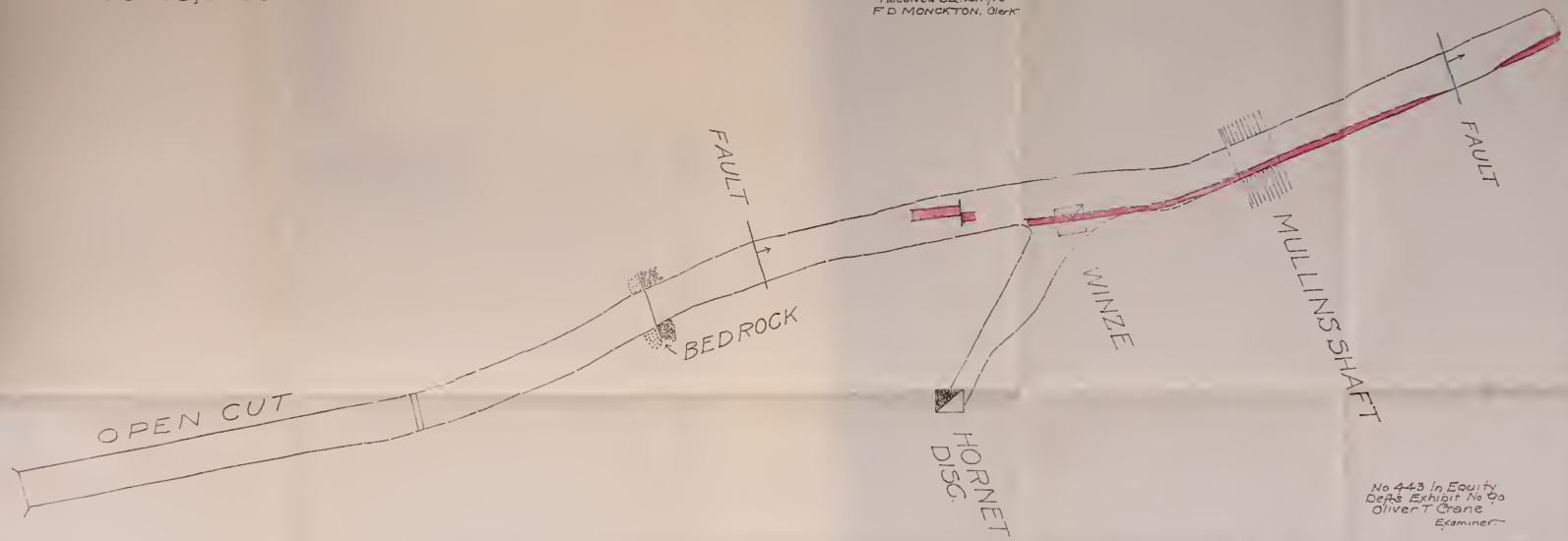
SCALE, 1/11N = 200 FT

NOTE: Copies shown on page in filed line
and then read under need

PLAN OF
No 34 TUNNEL
Scale, 1"=10'

D. 90
Filed and Entered
APR 17 1912.
GEO. W. SPROULE, Clerk
By Harry Brumby, Deputy.

Case No. 2323
U. S. CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT
DEFENDANTS EXHIBIT 90
Received DECEMBER 1913
F. D. MONCKTON, Clerk

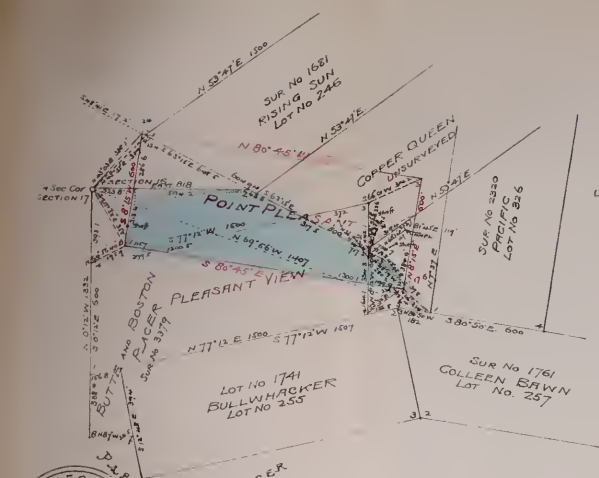


No 443 In Equity
Defts Exhibit No 90
Oliver T Crane
Examiner.

Filed and Entered
APR 17 1912
GEO W SPROULE
By Harry Drumm, Deputy

Case No 2323
U.S. CIRCUIT COURT OF APPEALS,
FOR THE NINTH CIRCUIT
DEFENDANTS EXHIBIT 110
RECEIVED DEC 15 1913
F.D. MCKEON, Clerk

No 443 in Equity
DEFTS EXHIBIT No 110
Oliver T. Cane
Examiner



J. E. W. Harney, Judge of
Dept No 1 of the District
Court of the Second Judicial
District of Montana, hereby
certify that the within
map is part of Exhibit
No. 9 for plaintiff intro-
duced in evidence in
Cause No 9000, entitled
Butte Land & Investment
Co. et al v R O Merriam
et al and referred to on
page 237 of the transcript
on appeal in said cause

J. E. W. Harney
Judge

I, Nathaniel C. Ray, United States Deputy Mineral Surveyor for
Montana do hereby certify that the above diagram correctly represents the con-
flict claimed to exist between the Butte District Lode Mineral Survey No 3379, in
T. 3-N., R. 7-E., claimed by Simon K. Merriam et al, situated in
the Merriam Mining District, Butte County, Montana, and the
lot 1681 Lode, claimed by CS Parsons et al, as actually surveyed by
me upon the ground on this 15 day of June, A. D. 1891.

The boundary lines, courses and distances of the lot 1681 Lode are repre-
sented in red ink those of the Butte and Golden Lode are represented in black ink and
the area in conflict, 1.33 acres, is tinted blue. The Pleasant View Lode
I further certify that the value of the labor and improvements placed upon the said
Point Pleasant Lode by the adverse claimant and their grantors is equal to the sum
of Six hundred and fifty three dollars (\$ 643.00) and that said improvements
consist of Eight shafts aggregating 1466 ft in depth.

Five hundred and fifty three dollars (\$ 543.00)
Nathaniel C. Ray
U.S. Deputy Mineral Surveyor
Subscribed and sworn to before me this 15 day of June, A. D. 1891.
Frank M. Lawrence
Notary Public

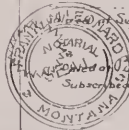


EXHIBIT C

In the matter of the application of Simon V. Kemper et al for a United States Patent for The Butte & Boston Placer.

D 111



J. E. W. Kearney, Judge of
Sept. 1. of the District Court
of the Second Judicial
District of the State of Mon-
tana hereby certify that
the within map is a
part of Exhibit No 5 intro-
duced in evidence in
Cause No. 9000, entitled
Butte Land & Investment
Co et al v R. O. Merriam
et al and referred to
on page 207 of the transcript
on appeal in said cause.
C. M. Horner
Judge

I, Nathaniel C. Ray, United States Deputy, Mineral Surveyor for do hereby certify that the above diagram correctly represents the conflict claimed to exist between the Butte and Boston lode, Placer, Mineral Survey No 3379 in T. 3 N., R. 7 W., claimed by Simon V. Kemper et al, situated in No. organized Mining District, Silver Bow County, Montana and the Pleasant View Lode, claimed by Chas. J. Parramore et al as actually surveyed by me upon the ground on the 8th day of June, A. D. 1891.

The boundary lines, courses and distances of the Pleasant View Lode are represented in red ink, those of the Butte & Boston lode Placer are represented in black ink and the area in conflict, 19.07 acres, of which 4.75 acres are in conflict with the Point Pleasant Lode, is tinted blue. I further certify that the value of the labor and improvements placed upon the said Pleasant View Lode by the adverse claimants and their grantors is equal to the sum of Five Hundred & Fifty nine dollars, (\$559.00) and that said improvements consist of Discovery Shaft 1 cut and three shafts valued at Five Hundred and Fifty nine dollars. (\$559.00).

NATHANIEL C. RAY,
U S Deputy Mineral Surveyor

(Notarial Seal)
Dated at Butte City, Mont June 15th, 1891.
Subscribed and sworn to before me this 15th day of June, A D, 1891.
FRANK M. LEONARD,
Notary Public.

Filed and Entered
APR 17, 1912
GEO W SPAROLE, clerk
By Harry Drumm, Deputy

Case No. 2323
U S CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT
DEFENDANTS EXHIBIT 111
Received DEC 15, 1913
F. D. MONEKTON, CLERK.

No. 443 In Equity
DEFTS. EXHIBIT No 111.
OLIVET Crane, Plaintiff.

Case No 2323
U.S. CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT
DEFENDANTS EXH B-115
Received DEC 15 1912
F.D. MORGENTHAU Clerk

D 115
Filed and Entered
APR 17 1912
GEO W. SPOULE Clerk
By Harry Dumm Deputy

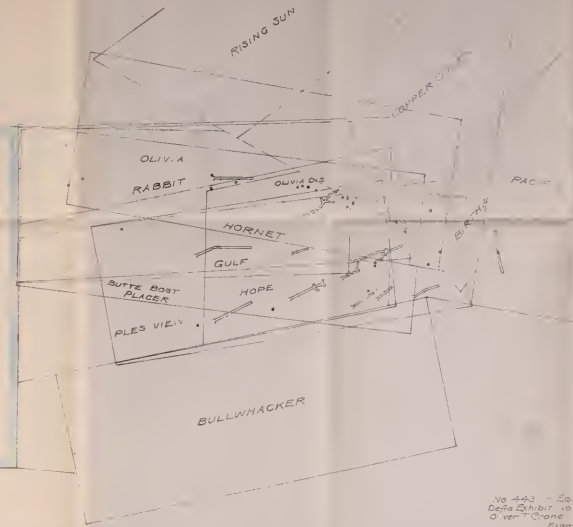
BUTTE AND BOSTON
APPLICATION 685

PITTSMONT MINE
APPLICATION 885

SCALE 1 IN. = 200 FT

EXH. B

C. W. Williams



No 443 - Equ.
Depos Exhibit 10 -
Overt Crane
Exam

